

TO: All Interested Parties

FROM: Shabbir Olia

SUBJECT: Illegal Immigration Reform and Immigration Responsibility Act of 1996

Executive Order 13465 amending Executive Order 12989, as amended, outlines implementation of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 U.S.C 1324a. Also known as E-Verify, all contracts for Federal funds signed September 8, 2009 or later will be subject to the regulations.

Federal contracts awarded and solicitations issued after September 8, 2009 will include a clause committing government contractors to use E-Verify. The same clause will also be required of subcontracts over \$3,000 for services or construction. Contracts exempt from this rule include contracts for less than \$100,000 and those that are for commercially available off-the-shelf items. Companies awarded a contract with the federal government will be required to enroll in E-Verify within 30 days of the contract award date. They will also need to begin using the E-Verify system to confirm that all of their new hires and their employees directly working on the federal contracts are authorized to legally work in the United States.

The following clause shall be inserted into all CDBG funded contracts for \$100,000 or greater.

The Contractor is required and hereby agrees to enroll in E-Verify within 30 days of the contract award date, to use E-Verify to confirm that all of their new hires and their employees directly working on the federal contracts are authorized to legally work in the United States, and to require this clause to be included in all subcontracts of \$3,000 or greater. It will be necessary for contractors to maintain records to verify enrollment and to maintain records of individual employee verifications in compliance with the record retention and access to records clauses of the contract.

Further, state and local governments are exempt from the requirement, so while the registration with E-Verify will not be a requirement of the CDBG grant agreement, the grant agreements will now include the following clause:

The Grantee must require and verify that all contractors with contracts of \$100,000 or greater are enrolled in E-Verify within 30 days of the contract award date, that the contractor uses E-Verify to confirm that all of their new hires and their employees directly working on the federal contracts are authorized to legally work in the United States, and that the E-Verify requirements are included in all subcontracts of \$3,000 or greater.

For more information please visit, <http://www.uscis.gov/portal/site/uscis>